

Panaji, 20th April, 1995 (Chaitra 30, 1917)

SERIES II No. 3

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series II No. 2 dated 13-4-95 namely, Extraordinary dated 18-4-95 from pages 13 to 16 regarding Notifications from Revenue Department.

GOVERNMENT OF GOA

Department of Personnel

Order

No. 22/1/94-PER/Part-I

Shri D. A. Prabhudessai, I.P.S. Superintendent of Police (South) shall look after the duties of the post of Inspector General of Police, Goa in addition to his own duties until further orders.

2. He shall also exercise all the financial powers as Head of Department as laid down in Goa Delegation of Financial Power Rules, 1994.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 31st March, 1995.

Education Department

Order

No. 17/14/94-EDN

On the recommendation of the Goa Public Service Commission, Panaji, conveyed vide their letter No. COM/I/6/34 (1)/94 dated 16-1-1995 the Government of Goa is pleased to appoint the following persons on regular basis to the post of Lecturer in Mechanical Engineering in Government Polytechnic, Panaji in the pay scale of Rs. 2200-75-2800-EB-100 they were appointed to their respective posts on ad-hoc basis they were appointed to their respective posts on ad-hoc basis which have now been regularised.

- | | | |
|----------------------------------|-----|-------------|
| 1. Shri Caltano T. Albano Ferrao | ... | 6-6-1988. |
| 2. Shri Sanjyot S. Borkar | ... | 19-11-1990. |
| 3. Shri Shailendra C. Kakule | ... | 19-11-1990. |
| 4. Shri Alan S. Rocha | ... | 6-2-1992. |
| 5. Shri Ramnath M. Bhobe | ... | 14-2-1992. |
| 6. Shri Avadhut Kuvelkar | ... | 12-2-1992. |

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 3rd April, 1995.

Department of Rural Development

Order

No. 14-7-93-PLG

Ref:- Govt. Order No. 14-7-93/PLG dt. 1-9-93.

The Government is pleased to extend the appointment of Dr. H. Y. Karapurkar, Project Director on contract basis for a further period of six months with effect from 1-4-1995 to 30-9-95 on the same terms and conditions as contained in the agreement, dated 30th December, 1993.

By order and in the name of the Governor of Goa.

D. H. Kenowdekar, Under Secretary (R.D.A.).

Panaji, 4th April, 1995.

Public Works Department

Order

No. 7/14-5/86-PWD

- Read:- 1) Govt. order No. 7/14-4/85-PWUD-II dated 26-7-91.
 2) Govt. order No. 7/14-4/85-PW&UD-III dated 26-7-91.
 3) Govt. order No. 7/14-4/85-PW&UD-IV dated 26-7-91.
 4) Govt. order No. 7/14-4/85-PW&UD-V dated 26-7-91.
 5) Govt. order No. 7/14-5/86-PWD dated 6-10-94.

Government is pleased to extend the ad-hoc appointment of the following Assistant Engineers/Asstt. Surveyor of Works (Civil/Mech./Elect.) in Public Works Department ordered vide Government orders referred to above (from Sr. No. 1 to 4) for a further period of 6 months beyond 1-4-1995 i. e. upto 30-9-1995 on the same terms and conditions as stipulated in the aforesaid orders:-

Sr. No.	Name	Designation
1	2	3
1.	Shri J. H. Kamble	Assistant Engineer (Civil)
2.	" Madhav H. Raichurkar	— do —
3.	" Sharad V. Naik	— do —
4.	" Naguesh V. Kamat	— do —
5.	" Venkanna Dessai	— do —
6.	" G. R. Raman	— do —
7.	" Anil V. Vernekar	— do —
8.	" Gopal R. Babshet	— do —
9.	" M. V. Gaonkar.	— do —
10.	" Madhall Lokesh	— do —
11.	" S. P. Jadhav	— do —
12.	" T. G. Patil	— do —
13.	" B. A. Chowgule	— do —

1	2	3
14.	Shri S. Ramchandran	Assistant Engineer (Civil)
15.	" Vijay V. Joglekar	— do —
16.	" S. V. Sathardekar	— do —
17.	" Pundalik P. Raikar	— do —
18.	" D. S. Gaonkar	— do —
19.	" Satish Tirodkar	— do —
20.	" R. Tulseedhran Pillai	— do —
21.	" C. A. Joseph	— do —
22.	" K. H. Kamaladini	— do —
23.	" M. V. Paravitimath	— do —
24.	" Raju Mohan Pandit	— do —
25.	" Shripad B. Naik Alornekar	— do —
26.	" Sadanand Arolkar	— do —
27.	" Vallaph G. Shenvi Velingkar	— do —
28.	" Shivanand S. Salekar	— do —
29.	" Dilip V. Mulgaonkar	— do —
30.	" Bharat R. Naik	Assistant Engineer (Mech. & Elect.)
31.	" R. A. Custodio Barreto	— do —
32.	" S. N. Patil	— do —
33.	" V. V. Shankardas	— do —

This issues with the approval of Goa Public Service Commission conveyed vide their letter No. COM/II/11/36(1)/92 dated 7-3-1995.

By order and in the name of the Governor of Goa.

R. T. Khorjuvekar, Under Secretary (P.W.D.).

Panaji, 4th April, 1995.

Revenue Department

Order

No. 32/1/94-RD

Read:- Government order No. 18/2/94-RD, dated 6-6-1994.

In exercise of the powers conferred by Article 113 of the Legislative Diploma No. 2070 dated 15-4-1961, the Government of Goa hereby appoints Shri Francisco Xavier Jesus Maria Vaz, Vasco-da-Gama, Goa, as Administrator of Comunidades of South Zone, vice Shri Albert de Souza, Quepem-Goa, with immediate effect.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 4th April, 1995.

Notification

No. 22/72/93-RD

Whereas by Government Notification No. 22/72/93-RD dated 10-6-93 published on page 257 of Series II, No. 17 of the Official Gazette, dated 22-7-93 and in two newspapers (1) Navhind Times dated 17-6-1993 (2) Tarun Bharat dated 17-6-93 and Corrigendum No. 22/72/93-RD, dated 16-3-1994, published on page 6, Series II, No. 1, of the Official Gazette dated 7-4-94 and in two local newspapers namely (1) Tarun Bharat dated 30-3-1994 and (2) Navhind Times dated 28-3-1994 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Additional land for providing excess and parking facilities at Rock Garden, Mapusa Hillock.

And Whereas the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Additional Dy. Collector Mapusa, Bardez-Goa to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Additional Dy. Collector Mapusa, Bardez-Goa till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Bardez		Village: Mapusa
Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
96/3 part	Comunidade of Mapusa	8771.00
	ii) Shri Raghuvir Yesso Goltekar, r/o Duler, Mapusa.	
Boundaries:		
North: Road.		
South: Chalta No. 1/P.T.S. 113 and Chalta No. 3/P.T.S. 96.		
East: Chalta No. 3/P.T.S. 96 (Existing Road).		
West: Chalta No. 1/P.T.S. 96.		
Total		8771.00

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 5th April, 1995.

Notification

No. 22/120/94-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule appended hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of approach road to Basroi Tiloi in V. P. Balli in Quepem Taluka.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act, the Deputy Collector (LA), Collectorate of South Goa District, Margao, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following Officers to do the acts specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Deputy Collector (LA), Collectorate of South Goa District, Margao-Goa.
3. The Executive Engineer, W.D. XXV (Roads), P.W.D., Borda, Margao-Goa.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (LA), Collectorate of South Goa District, Margao, for a period of 30 days from the date of the publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Quepem		Village: Tiloi	
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	
42/1	1) Martine Fernandes. 2) Minino Xavier Almeda. T: House belong to Fondu Katu Gaonkar, Owner self.	3200	
43/2	1) Remedio Collaso. 2) Mouro Collaso. 3) Silveria Collaso.	2350	
"/5	1) Remedio Collaso. 2) Mouro Calaso. 3) Silveria Colaso. T: Lakmu Kust Gaonkar. Narayan Fati Gaonkar.. Kallo Bhoma Gaonkar. Janu Bhiva Gaonkar. Narayan Bhamtoo Gaonkar.	750	
Taluka: Quepem		Village: Cordem	
29/1	1) Krishna Kusta Dessai. 2) Vishwanath Mongu Dessai. 3) Narayan Bicaró Desai. 4) Devapa Kusda Dessai. 5) Shiva Masno Desai. 6) Uttam Ghanashyam Dessai. 7) Raya Datta Desai. 8) Ganaba Fate Fal Dessai. 9) Kashinath Kusta Fal Dessai. 10) Vaikunth Kusta Fal Dessai. 11) Pandu Kusta Fal Dessai. 12) Shankar Kusta Fal Dessai. 13) Vishnu P. Phal Dessai. 14) Khapru Laximan Fal Dessai.	6500	
"/2	1) Shaba Kunkund Vlip. 2) Kusta Kunkuno Velip. 3) Vithoba Kunkuno Velip. 4) Deu Mono Velip. 5) Arjun Mono Velip.	2800	
30/1	Puno Bhik Gaonkar. President of India.	8500	
"/2	Dispute property. 1) Remedio Colaso. 2) Shambu Ganesh Gaonkar. House owned by: 1) Bhikaro V. Gaonkar. 2) Purso Bombo Gaonkar. 3) Ram Vithoba Gaonkar. 4) Puno Vithoba Gaonkar. 5) Gada Bhiva Gaonkar. 6) Janu Bhiva Gaonkar. 7) Kollo Bombo Gaonkar. 8) Narayan Bamto Gaonkar. 9) Saptu Gaonkar.	2250	

Taluka: Quepem

Village: Cordem

1

2

3

Boundaries:

North: 42/1, 43/2 of Tiloi Village and 29/1, 2, 30/2, 1 of Cordem Village.

South: 42/1, 2, 43/2 of Tiloi village and 29/3, 2, 30/2, 1 of Cordem village.

East: 42/1 of Tiloi village and Road in Cordem village.

West: 43/2, 5 of Tiloi village, Village boundary of Morpila and 30/2 of Cordem village.

Total 26350

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 16th March, 1995.

Department of Labour

Order

No. 28/42/92-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

P. O. D'Costa, Under Secretary (Labour).

Panaji, 4th April, 1995.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA
AT PANAJI

(Before Shri Ajit Jairam Agni, Hon'ble Presiding Officer)

IT/69/92

Shri Catao Tellis,
Rep. by the General Secretary,
Goa Medical Representative Association,
Kadadode, Ashok Van,
Ambaji, P. O.: Fatorda.

Workman/Party I

V/s

M/s. Cipla Ltd.,
289, Bellasis Road,
Bombay Central, Bombay 400 008. — Employer/Party II

Party I — Absent.

Party II — Represented by Adv. M. S. Bandodkar.

Panaji: Dated: 16-2-95,

A W A R D

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 16-10-92 bearing No. 28/42/92-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of M/s. Cipla Ltd., in transferring Shri Catao Tellis, Medical Representative, to Pillibhit, Lucknow (U.P.) is legal and justified?

If not, to what relief the workman is entitled?

2. On receipt of the reference, a case was registered under No. IT/69/92 and registered A/D notice was issued to the

parties. In pursuance to the said notice, Adv. M. S. Bandodkar appeared on behalf of the Party II (For Short "Employer") and the Party I (For Short "Workman") did not appear though he was duly served with the notice. My learned Predecessor Shri M. A. Dhavale, gave several opportunities to the workman to file the statement of claim. However, he neither appeared nor filed the statement of claim. After my learned Predecessor attained superannuation, I assumed the charge of Presiding Officer, Industrial Tribunal and fresh notice was issued to the parties and both the parties were duly served. Adv. Shri Bandodkar appeared on behalf of the employer but the workman did not appear. The workman did not file his statement of claim inspite of the fact that he was given opportunities to do so on 21-8-94 and 17-10-94.

3. The reference of the dispute has been made by the State Government at the instance of the workman. The order of the employer in transferring him to Pillibhit, Lucknow (U.P.) is challenged by the workman by raising industrial dispute and the dispute is referred to this Tribunal by the State Govt. for adjudication. It is a settled law that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order. It was, therefore, incumbent upon the workman to have appeared and substantiated his allegation that the transfer order issued against him was not legal and justified. I am fortified in my this view, by the decision of the Allahabad High Court in the case of V. K. Raj Industries v/s Labour Court (1) and others, reported in 1981 (29) F.L.R. page 194. In this case, the Allahabad High Court has held as follows:

"The proceedings before the Industrial Court are judicial in nature, even though the Indian Evidence Act does not apply to the proceedings but the principle underlying the said Act is applicable to the proceeding before the Industrial Court. In a judicial proceeding if no evidence is produced the party challenging the validity of the order must fail. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove ille-

gality of the order and if no evidence is produced, the party invoking jurisdiction of the Court must fail".

The Allahabad High Court has further held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief. I entirely agree with the decision of the Allahabad High Court.

The Allahabad High Court has further held that if the referred by the State Government at the instance of the workman. Therefore, the burden was on him to prove that the order of his transfer passed by the employer was illegal and unjustified. However, the workman did not appear nor produced any evidence. As a result, there is no material before me to hold that the order of transfer passed by the employer was illegal or unjustified. In the absence of any evidence, it cannot be held that the order of transfer passed by the employer is illegal. In the circumstances, I hold that the workman has failed to prove that the action of the employer in transferring him to Pillibhit Lucknow (U.P.) is illegal and unjustified and hence, I pass the following order.

ORDER

It is hereby held that the action of the management of M/s. Cipla Ltd., in transferring the workman, Shri Catao Tellis, Medical Representative, to Pillibhit, Lucknow (U.P.) is legal and justified.

There shall be no order as to costs.

Inform the Government accordingly.

Sd/-

(Ajit J. Agni)
Presiding Officer
Industrial Tribunal